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President
Laurie Green, M.D.
Vice President
Edward A. Chow, M.D.
Commissioner
Susan Belinda Christian, J.D.
Commissioner
Cecilia Chung
Commissioner
Suzanne Giraudo ED.D
Commissioner
Tessie M. Guillermo
Commissioner

**HEALTH COMMISSION
CITY AND COUNTY OF SAN
FRANCISCO**

**London N. Breed Mayor
Department of Public Health**



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MINUTES
HEALTH COMMISSION MEETING
Tuesday March 7, 2023 4:00 p.m.
101 Grove Street, Room 300
San Francisco, CA 94102 & via Webex

1) CALL TO ORDER

Present: Commissioner Dan Bernal President
Commissioner Laurie Green, MD, Vice President
Commissioner Edward A. Chow M.D.
Commissioner Cecilia Chung
Commissioner Suzanne Giraudo, Ph.D
Commissioner Tessie Guillermo

Excused: Commissioner Susan Belinda Christian, J.D.

The meeting was called to order at 4:21pm.

2) GENERAL PUBLIC COMMENT

Jessica Lehman, Executive Director, Senior and Disability Action, stated that everyone in her organization is upset about the decision to no longer require masking in healthcare facilities, noting that many seniors and people with disabilities have been impacted the most by the pandemic. It is scary for this group to think about seeking medical care in a healthcare facility when there may be people with COVID who are unmasked. Her group is also frustrated that there is a limit on public comment and a two-tiered system for public comment. As a disabled person, she is tired of being put into a separate category. Today she had to find the accessible entrance to the building in which the meeting is held, found the power button for the door was not working, and had to call someone to be let in.

Elizabeth stated that she does not like the disability remote public comment category and the two-tiered remote public comment system. She also urged universal masking in all healthcare settings. One way masking only goes so far and is not based in science.

Doug Young strongly disagrees with recent health orders ending masking in healthcare and incarceration settings.

Dr. Teresa Palmer strongly disagrees with the recent health orders ending universal masking in health care settings. She protests against the new remote public comment rule with a category for disabled people.

Patrick Monette Shaw made verbal comments and submitted the following summary:

LHH's Action Plan is shockingly full of basic problems in every Department. It's a damning admission the MDS system, MDS Coordinators, and MDS Department aren't doing their jobs preparing Comprehensive Care Plans and providing Quality of Care. MDS is mandated by CMS for every SNF. Of 21 milestones, one is to create a "Charter" to establish a new "Resident Care Conference" —a step above the IDT structure. The "Charter" and revised "MDS Policy" must be approved by 3/14/23, ostensibly by the LHH-JCC because it involves a new policy. That policy must be scheduled on the JCC's agenda next week. It's sad MDS care plan training materials need to be developed with topics including nurse leader roles, individualization of the care plan process including updates based changes in patient condition, and how to complete MDS sections. It's shocking LHH's Nursing Department is so dysfunctional it needs its own RCC "oversight" committee!

3) **APPROVAL OF THE MINUTES OF THE HEALTH COMMISSION MEETING OF FEBRUARY 21, 20222023.**

Action Taken: The Health Commission unanimously approved the February 21, 2023 meeting minutes.

Public Comment:

Patrick Monette Shaw submitted the following written comments:

Regarding these minutes, you'll note on page 3 I testified during public comment on February 21 that it's ridiculous you have not yet heard a revision to Nursing Policy D-1.0, the *Restorative Nursing Policy*. As I noted, Root Cause #8 in the December 1 RCA cited a "*Lack of a Restorative Nursing Program.*" Deception by this Health Commission has been the point all along about the severity of causes leading to LHH's decertification in April 2022. Lack of a Nursing Restorative Program was a predictable outcome and inevitable result of rotten accountability in Nursing to avoid maintaining residents' functional abilities since 2014 when Jennifer Carton-Wade transferred Restorative Therapy Aides out of the Rehab Services Department to the Nursing Department. Rehab Services introduced a *Functional Maintenance Program* on 12/1/1999, that Larry Funk and Mitch Katz approved on 5/31/2002, later rebranded as *Restorative Care* on 8/24/2009. Restore the *Restorative Nursing Program* immediately!

4) **DIRECTOR'S REPORT**

Grant Colfax MD, DPH, Director of Health, presented the item.

LEGISLATION TO ALLOW PRIVATELY-FUNDED OVERDOSE PREVENTION SITES TO OPEN APPROVED BY BOARD OF SUPERVISORS

The Board of Supervisors unanimously approved legislation introduced by Mayor London Breed and Supervisor Hillary Ronen that opens the door for non-profits to operate drug overdose prevention sites in San Francisco with private funding. The vote removes a recently identified permitting barrier to moving forward with a non-city funded overdose prevention program while the City waits for federal guidance on whether it can fund such programs with public dollars.

While federal and state legal issues on publicly funded overdose prevention sites in San Francisco are yet to be resolved, the City has continued conversations with leading non-profits around opening a privately funded site. As part of this process, the City identified a significant issue to be addressed for a privately funded site to move forward. To address this issue, Mayor Breed and Supervisor Ronen introduced legislation last month to repeal the 2020 permitting structure; the Mayor asked President Peskin to expedite the ordinance so that the City could adopt it as soon as possible.

In 2020, the Board of Supervisors approved legislation establishing a permitting structure for city-funded overdose prevention programs. This law as written did not allow for any overdose prevention program to open until the State authorized the City to do so, whether it's funded by the City or by private resources. Since that law was enacted, non-profits in New York have opened overdose prevention sites without public funding, and various non-profits in San Francisco have expressed interest in doing the same. San Francisco's current law would not allow them to do so.

San Francisco will continue to move forward innovative solutions to help people struggling with substance use disorder and further reduce the number of fatal overdoses as part of the City's comprehensive overdose prevention plan. The plan includes expanding access to substance use treatment and services, such as recovery programs and medicated assisted treatment, doubling the distribution of naloxone in the next three years, increasing social support for people at risk of overdose, and improving the conditions in communities where drug use occurs.

The overdose prevention plan also incorporates the establishment of wellness hubs as a cornerstone of the City's efforts to reduce fatal overdose deaths. These sites will provide overdose prevention services and resources, services to improve health, and linkages to treatment.

MAYOR BREED JOINS STATE LEADERS IN SUPPORT OF LEGISLATION FOR STATEWIDE CONSERVATORSHIP REFORM

Mayor London N. Breed joined State Senator Susan Talamantes Eggman (D-Stockton) and leaders from across California to highlight the need for statewide conservatorship reform and support newly introduced mental health bills, Senate Bills 43 and 363. Mayor Breed is co-sponsoring the bills as part of the Big City Mayors Coalition. The bills would modernize the State's behavioral health system and advance support for those most in need.

If passed into law, SB 43 and SB 363 would greatly support improvements to San Francisco's conservatorship programs and create efficiencies in the day-to-day work of practitioners. This is the latest effort to reform California's conservatorship laws supported by Mayor Breed, which go back to 2018.

The Mayor and State leaders were also joined by representatives from the National Alliance on Mental Illness (NAMI) California, the California State Association of Psychiatrists, and the Psychiatric Physicians Alliance of California.

Senate Bill 43 seeks to reform California's Lanterman-Petris-Short (LPS) conservatorship law by updating the criteria for determining if a person is "gravely disabled," the standard for LPS conservatorship eligibility. SB 43 would update the definition of "gravely disabled" to include a new focus on preventing serious physical and mental harm stemming from a person's inability to provide for their needs for nourishment, personal or medical care, find appropriate shelter, or attend to self-protection or personal safety, due to their mental or substance use disorder.

Senate Bill 363 would establish a real-time, internet-based dashboard to collect, aggregate and display information about the availability of beds in a range of psychiatric and substance abuse facilities, helping providers readily find and secure treatment for clients in appropriate settings, reducing delays or extended stays in emergency rooms.

Mayor Breed has advocated for a broad range of statewide conservatorship reform, working closely with State Senator Scott Wiener and other State and City leaders to successfully pass and implement mental health conservatorship process improvements both in San Francisco and throughout California.

In 2018, Mayor Breed helped spearhead SB 1045, authored by Senator Scott Wiener, which created a five-year pilot program for San Francisco and select cities to set up a conservatorship program focused on providing housing with wraparound services to the most vulnerable people living on the streets. The Mayor again joined Senator Wiener and City leaders to advocate for adding conservatorship amendments in 2019 to ensure the population in most need of support would be helped.

[Press conference was livestreamed and can be viewed here.](#)

ZSFG's ORTHO TRAUMA INSTITUTE CELEBRATES 16th ANNIVERSARY

On February 24, the Ortho Trauma Institute (OTI) at ZSFG celebrated its 16th Anniversary of care at the hospital. Their commitment to clinical care, education, research and outreach activities have changed the lives of many for the better throughout the greater Bay Area. OTI offers a full musculoskeletal service line and covers orthopedic subspecialties such as trauma, spine, sports medicine, foot and ankle, hand, arthroplasty, pediatrics, and tumors. The integrated clinical-research program has become a model for other international programs and has the largest international outreach program of any Orthopedic Department in North America.

They celebrated during ZSFG's Thank A Resident Day and Thank A Fellow Day where the hospital also recognized the entire team, including residents and fellows who are a part of the echelon trauma fellowship. The institute has the largest number of trauma fellowship-trained and dual trauma-specialty trained groups in North America!

THE 2023 EMPLOYEE ENGAGEMENT SURVEY IS OPEN THROUGH MARCH 22

DPH has begun its 2023 Employee Engagement Survey and it will be open through March 22. The survey will ask questions related to DPH staff workplace experiences, including racial equity, management, burnout, safety, organizational support, and other employee engagement indicators. Participants are eligible to win \$25 gift cards, DPH water bottles or team-based incentives. Staff have received survey links via email and text. For any questions, contact EEsurvey@sfdph.org.

COVID-19 UPDATE

As of 3/1:

- San Francisco's 7-day rolling average of new COVID cases per day is 94 and 86 people are hospitalized, including 7 in the ICU.
- Eighty-six percent of all SF residents have been vaccinated and 65% have received booster dose(s).

[DPH in the News](#)

Public Comment:

Dr. Teresa Palmer asked for an update on the request for a CMS waiver to retain 120 beds at LHH.

Commissioner Comments:

Commissioner Chow asked Dr. Philip, San Francisco Health Officer and Director of Population Health Division, to discuss what the DPH facilities will be doing in regard to masking and vaccination requirements. Dr. Philip noted that within DPH medical facilities, everyone will be required to wear a mask. She added that the City of San Francisco Department of Human Resources requires City staff members to have obtained the primary vaccination series and at least one booster. She noted that in coming weeks, additional guidance may be provided by the federal government on these issues. If and when that occurs, she will reevaluate the local health orders and DPH practices.

Commissioner Chow asked for her thoughts as Health Officer on not requiring the general public to mask when going to healthcare facilities, noting that each healthcare system can make more stringent masking requirements for their campuses. Dr. Philip stated that we're fortunately at such a different time now at three years into this pandemic, in particular in San Francisco, with the higher amount of vaccination and the ability of people to utilize high quality masks, if they choose to do so. We are moving to a phase in which masking requirements in general settings are no longer common or utilized. She noted that in the newest Health Officer orders there is recognition that we still have a way to go to understand what the vaccination requirements for staff may be, and what the seasonability of COVID might be.

Commissioner Green asked if CDC is giving guidance about options for institutions to consider, noting that her healthcare workplace does not give direction to patients regarding masking or COVID testing. Dr. Philip stated that she is unsure what state plans are in place regarding instructions to institutions. She noted that one-way masking is important; it can be challenging when people take inference from large studies and do not consider the national body of more evidence too. Medical providers know anecdotally that one-way masking protects health care workers.

Commissioner Bernal asked for next steps in the Laguna Honda Hospital (LHH) CMS recertification process. Director Colfax stated that LHH achieved 259 milestones in January and February. In March, it will have an additional 77 milestones. LHH is prepared for surveyors to come for the next 90-day survey at any time.

5) 2016 PUBLIC HEALTH AND SAFETY BOND UPDATE

Mark Primeau, DPH Capital Projects, Terry Saltz, ZSFG Capital Planning, and Joe Chin, Department of Public Works, presented the item.

Commissioner Comments:

Commissioner Bernal thanked the presenters for the informative update.

Comm. Chow commended the efforts to control the rising costs, and the efforts to find funding to complete the project.

6) OVERVIEW OF DPH CONTRACT MONITORING

Michelle Ruggels, DPH Business Office Director, presented the item.

Commissioner Comments:

Commissioner Bernal asked for examples of issues that would trigger a deeper assessment of a contractor. He noted that it is his understanding that 14 contractors currently are slated for a deeper analysis. Ms. Ruggels stated that slide 25 of the presentation contains information regarding remediation activities. She noted that review of audited financial statements of the DPH 450 individual contractor programs is used as the barometer of whether other analysis and assessment is needed.

Commissioner Girardo asked if there is another staff to conduct the expanded monitoring processes. Mr. Ruggels stated that the DPH is hiring some new managers and staff, hoping that when these hires are completed, the team will be sufficient. Commissioner Bernal stated that his hope is that DPH staff will always feel comfortable to speak with candor about the impact of vacancies on workload and staff stress.

Commissioner Guillermo acknowledged the hard work that went into developing the new processes and presentation materials. She asked for more information on the workload on each individual staff member. Michelle O'Neal, DPH Business Office Compliance Manager, stated that staff may monitor the same program several years in a row then switch, so a larger group gets to know agencies and programs to more fairly and effectively monitor.

Commissioner Guillermo noted that monitoring contract client outcomes came up at the March 7th Finance and Planning Committee meeting. Ms. Ruggels stated that staff review contract objectives and gain understanding of the services provided by speaking with agency staff. The organization is responsible for setting objectives; she noted that some funding sources require certain objectives.

Commissioner Chow suggested that quality of life improvement be quantified in contracts for monitoring. Greg Wagner, DPH CFO, stated that each program is attempting to set an outcome metric; different areas of the DPH have varying funding sources and related contract requirements. Some have funder required objectives or rules and others do not.

Commissioner Green noted that it is important to understand where each performance metric comes from and understanding past performance of existing DPH contracts before Commissioners approve new contracts and/or modifications. She suggested distributing a list of contract objectives to Commissioners so they can better understand this information.

Commissioner Green asked how many of the total DPH contractors are non-profit organizations. Ms. Ruggels stated that 79 is her estimate.

Commissioner Chow requested that Commissioners also receive information on service categories to better understand how a specific contract fits into a larger service category. He also requested that outcome data be included on contract documents coming to the Commissioners for approval. Ms. Ruggels stated that there is currently no electronic system to manage the 250 contracts, many of which contain multiple contract exhibits. She noted that the request would entail a major project and noted there is currently no staff time to carry this request through. She noted that the DPH is putting out a request for a new electronic contract management system which would have a vendor profile and service modality which would be able to more easily provide the information requested by the Commissioners.

Director Colfax noted that three years after the beginning of the COVID pandemic, hiring continues to be challenge and the job market is extremely competitive.

7) FINANCE AND PLANNING COMMITTEE UPDATE

Commissioner Chung, chair, noted that the committee reviewed and recommended all items on the Consent Calendar for approval. The committee also reviewed the DPH FY2022-23 second quarter financial report.

8) CONSENT CALENDAR

Action Taken: The following items were unanimously approved by the Health Commission.

- **MARCH 2023 CONTRACTS REPORT**
- **REQUEST FOR APPROVAL OF A NEW CONTRACT AGREEMENT WITH HELUNA HEALTH WORKING IN CONJUNCTION WITH DPH CPHR (CENTER FOR PUBLIC HEALTH RESEARCH), TO PERFORM IMPLEMENTATION OF BLISS (BRIEF LONGITUDINAL INCIDENT SENTINEL) PROJECT WHICH IS A FEDERALLY SUPPORTED RESEARCH PROJECT, FUNDED BY A FEDERAL GRANT FROM THE NATIONAL INSTITUTE OF HEALTH. THE TOTAL PROPOSED AGREEMENT AMOUNT IS \$870,805 WHICH INCLUDES \$770,505 FOR PROGRAM COSTS AND A 12% CONTINGENCY OF \$93,300, FOR THE TERM OF 4/1/2023 THROUGH 7/31/28 (4 YEARS AND 3 MONTHS).**
- **REQUEST FOR APPROVAL OF A NEW PROFESSIONAL SERVICES AGREEMENT, WITH NICOS CHINESE HEALTH COALITION TO PREVENT OR REDUCE THE IMPACT OF PROBLEM GAMBLING THROUGH EDUCATION, AWARENESS-BUILDING AND CONSULTATION. THE TOTAL PROPOSED**

AGREEMENT AMOUNT IS \$3,000,000 WHICH INCLUDES A 12% CONTINGENCY FOR THE TERM OF 07/01/2021 THROUGH 06/30/2026 (5 YEARS).

- REQUEST FOR APPROVAL OF A NEW CONTRACT WITH CAREPORT HEALTH LLC, IN THE AMOUNT OF \$1,000,000, TO SECURE PATIENT CHOICE REFERRAL LIST SERVICES FOR THE DEPARTMENT OF PUBLIC HEALTH FOR THE TERM OF MARCH 1, 2023 TO FEBRUARY 29, 2028 (FIVE YEARS).
- REQUEST FOR APPROVAL OF A NEW CONTRACT WITH EMERSON DIGITAL COLD CHAIN, INC. DBA COOPER-ATKINS, IN THE AMOUNT OF \$645,468, TO SECURE MAINTENANCE AND UPKEEP SERVICES OF THE NETWORK OF TEMPTRAK TEMPERATURE MONITORING DEVICES CURRENTLY IN USE BY THE DEPARTMENT OF PUBLIC HEALTH FOR THE TERM OF MARCH 1, 2023, TO FEBRUARY 29, 2028 (FIVE YEARS).
- **THE FOLLOWING ZSFG-RELATED ITEMS WERE RECOMMENDED FOR APPROVAL BY THE ZSFG JCC:**
 - Anatomic Pathology Rules and Regulations

9) OTHER BUSINESS:

This item was not discussed.

10) JOINT CONFERENCE COMMITTEE AND OTHER COMMITTEE REPORTS

Commissioner Chow, ZSFG JCC Chair, stated that at its February 21, 2023 meeting, the committee discussed the ZSFG CEO Report and Regulatory Affairs Report. During the Hiring and Vacancy Report, the committee discussed creative strategies the hospital is using to ensure staffing is appropriate; staffing continues to be a challenge in the emergency department. The committee also discussed, "Harmonizing and Synergizing Access and Flow Across the ZSFG Campus," a comprehensive strategic planning update. The ZSFG leadership continues to utilize created solutions to address diversion rates. During closed session, the committee approved the Credentials Report and PIPS minutes report.

11) ADJOURNMENT

The meeting was adjourned at 6:37pm.